

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

U.S. COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

vs.

HIGHLAND STONE CAPITAL
MANAGEMENT, L.L.C., et al.

Defendants.

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) Civil Action No.: 11 CIV 05209 KBF
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) Judge Katherine B. Forrest
) Magistrate Judge James C. Francis
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**PLAINTIFF'S MOTION TO REOPEN CASE AND TO ENTER CONSENT ORDERS OF
SETTLEMENT**

Plaintiff, Commodity Futures Trading Commission ("Commission"), by its counsel, respectfully requests that Judge Katherine B. Forrest reopen this case for the limited purpose of entering the three orders settling this case against the remaining defendants: the Supplemental Order Assessing Restitution and a Civil Monetary Penalty Against Defendant Joseph Burgos and Consent Orders for Permanent Injunction, Civil Monetary Penalty and Other Equitable Relief Against Defendants Susan G. Davis and Defendant David E. Howard II.

In support of this motion, the Commission states that Defendant Joseph Burgos ("Burgos") has signed a proposed Supplemental Order Assessing Restitution and a Civil Monetary Penalty that would resolve all remaining issues concerning damages as to Burgos. Further, Defendants Susan Davis ("Davis") and David Howard ("Howard") have also signed proposed Consent Orders for Permanent Injunction, Civil Monetary Penalty and Other Equitable Relief that would resolve all remaining issues concerning liability and damages as to those two Defendants.

On January 8, 2014, after being informed by the Commission that the parties reached a settlement in principle, the Court adjourned the trial date in this matter and issued a 60-day Order permitting any party to restore this action if application is made no later than Monday, March 10, 2014. (Docket Nos. 188 and 189) Subsequently, the Commission approved and accepted the entry of the aforementioned proposed Consent Orders and has authorized its Division of Enforcement (“Division”) to sign these Consent Orders on its behalf. Thus, the Commission asks the Court to enter these now fully-executed proposed Consent Orders of settlement reached with Defendants Burgos, Davis and Howard.

WHEREFORE, the Commission respectfully requests that the Court reopen this case and enter the Supplemental Order Assessing Restitution and a Civil Monetary Penalty Against Defendant Joseph Burgos and enter the Consent Orders for Permanent Injunction, Civil Monetary Penalty and Other Equitable Relief Against Defendants Susan G. Davis and Defendant David E. Howard II.

Dated: February 25, 2014

Respectfully submitted,

ATTORNEYS FOR PLAINTIFF
U.S. COMMODITY FUTURES TRADING
COMMISSION

/s/ Susan B. Padove

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